

BRIAN ROFFE
ATTORNEY AT LAW
366 LONGACRE AVENUE
WOODMERE, NEW YORK 11598-2417

Fax Cover Sheet

RECEIVED

04 OCT 2000

Legal Staff
International Division

DATE: March 27, 2000 **TIME:**
TO: Special Programs Law Office **PHONE:**
USPTO **FAX:** (703) 308-6916
FROM: Brian Roffe **PHONE:** (516) 295-1394
FAX: (516) 295-0318
RE: U.S. Patent Application
Serial No. 09/474,147
David S. Breed et al.
System for Determining the Occupancy State of Seat in a Vehicle

FAX RECEIVED

MAR 27 2000

PETITIONS OFFICE

CC:

Number of pages including cover sheet: [9]

Message

See the attached letter regarding a petition under 37 C.F.R. 1.47(a)

#2

Attorney Docket No.: ATI- 214

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: David S. BREED et al.
Serial No.: Not yet known
Filed: Simultaneously
For: SYSTEM FOR DETERMINING THE
OCCUPANCY STATE OF A SEAT IN A
VEHICLE

**PETITION UNDER 37 C.F.R. §1.47(a) FOR FILING PATENT
APPLICATION BY OTHER THAN ALL OF THE INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

December 29, 1999

Sir:

Applicants hereby petition the Commissioner of Patents and Trademarks to accept the filing of the above-referenced U.S. patent application by other than all of the inventors.

A Declaration of Facts is attached hereto providing proof of the pertinent facts concerning the refusal of a co-inventor to join in the present application for patent.

The name and last known address of the co-inventor refusing to join in the application are as follows:

Name: Andrew J. Varga
Address: 29292 Marvin
Farmington Hills, Michigan 48331

It is believed that at least one of the inventions disclosed and currently claimed in the above-referenced application was developed in conjunction with and/or under the authorization of

Automotive Technologies International, Inc., the assignee of the application and inventions by virtue of an assignment from the inventors joining in the filing of the application, by Andrew J. Varga, the non-signing inventor, jointly with one or more of the cooperating inventors during the course of their employment by Automotive Technologies International, Inc. Upon information and belief, Automotive Technologies International, Inc. is therefore entitled to clear title to the disclosed and claimed inventions and to the above-referenced patent application and any patent which issues therefrom.

In view of Andrew J. Varga's refusal to execute the Declaration/Power of Attorney required for filing the above-referenced patent application, the remaining inventors are believed to be entitled to make such application on behalf of and as agent for their co-inventor (Andrew J. Varga).

The required fee pursuant to 37 C.F.R. §1.17(h) should be charged to Deposit Account No. 50-0266. A duplicate copy of this sheet is therefore enclosed.

Respectfully submitted,

By: 

Brian Roffe
Attorney for Applicants
Reg. No. 35,336

Brian Roffe, Esq.
366 Longacre Avenue
Woodmere, New York 11598-2417
Tel.: (516) 295-1394
Fax.: (516) 295-0318

Enclosure
Declaration of Facts

Attorney Docket No.: ATI- 214

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: David S. BREED et al.
Serial No.: Not yet known
Filed: Simultaneously
For: SYSTEM FOR DETERMINING THE
OCCUPANCY STATE OF A SEAT IN A
VEHICLE

**DECLARATION OF FACTS IN SUPPORT OF PETITION
UNDER 37 C.F.R. §1.47(a) FOR FILING PATENT APPLICATION
BY OTHER THAN ALL OF THE INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

December 29, 1999

Sir:

1. I am the attorney of record for the inventors submitting the Petition under 37 C.F.R. §1.147(a) for filing a patent application by other than all of the inventors.
2. I have firsthand knowledge of the facts recited herein.
3. On December 9, 1999, a complete copy of the above-referenced patent application was forwarded by the Chairman of the assignee of the application (by virtue of an assignment from the inventors cooperating in the filing of the application) to Andrew J. Varga, the non-joining inventor, along with a Declaration/Power of Attorney therefor. A copy of this letter is attached hereto as Exhibit A. The letter was sent by registered mail, return receipt requested and a copy of the return receipt signed by Mr. Varga is attached hereto as Exhibit B.

4. Mr. Varga responded by letter of December 23, 1999, a copy of which is attached as Exhibit C, that he refused to sign the Declaration/Power of Attorney unless he is paid for his time to review the application.

5. Mr. Varga is a former employee of the assignee, Automotive Technologies International, Inc., and there is no provision in an employment contract or agreement that Mr. Varga is entitled to compensation for his review of any patent applications describing and claiming inventions to which he may have contributed while employed by Automotive Technologies International, Inc.

6. In view of the foregoing, a bona fide attempt to present a copy of the applications papers to the non-signing inventor was made, and was successful, and the refusal of the non-signing inventor to participate in the filing of the application is documented.



Brian Roffe

December 29, 1999
Date



AUTOMOTIVE TECHNOLOGIES INTERNATIONAL, INC.

P.O. Box 8
DENVER, NJ 07834
TEL (973) 299 2800
FAX (973) 263 8376
ati@worldnet.att.net

PO Box 140
Romeo, MI 48065
TEL (248) 853 83621
FAX (248) 853 4215
ati@worldnet.att.net

December 9, 1999

Registered, Return Receipt Requested

Andrew J. Varga, Ph.D.
29292 Marvin
Farmington Hills, MI 48331

Dear Andy:

Enclosed herewith are patent applications ATI-197 and ATI-214. We have determined that you may have contributed to the inventive matter claimed in these patent applications and therefore we have included your name as one of the inventors on each patent application.

Please sign the enclosed declarations for each patent application and return them in the enclosed envelope to Brian Roffe.

We are also enclosing two checks for \$10 each as consideration for your assignment of each of these patents to ATI. We believe that under the conditions of your employment at ATI that you are obligated to execute these assignments. Therefore, please sign the assignments and return them also to Brian Roffe in the enclosed envelope.

You should be aware that if you do not agree that it is your obligation to assign the patents to ATI that this matter can be settled later and should not prevent you from returning the declarations to Brian Roffe.

Best regards,

A handwritten signature in black ink, appearing to read 'D. Breed', written over a horizontal line.

David S. Breed, Ph.D.
Chairman

Exhibit A

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANDREW VARCH
29292 MARVIN
FARROT
FARMINGTON HILLS,
MI 48331

2. Article Number (Copy from service label)

0288 611 948

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

A. J. Varch

B. Date of Delivery

C. Signature

X

Andrew J. Varch

☐ Agent☐ Addressee

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☒ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☒ CB

4. Restricted Delivery (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-09-M-1789

Exhibit B

Andrew J. Varga, Ph.D.
29292 Marvin Road
Farmington Hills, MI 48331

(734) 484-9735 (Office)
(248) 553-3536

trinitech@worldnet.att.net
vargac@earthlink.net

December 23, 1999

David S. Breed, Ph.D.
Automotive Technologies International, Inc.
P.O. Box 8
Denville, NJ 07834

Dear David:

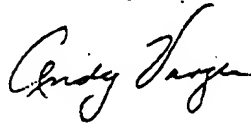
I have received your letter dated December 9, 1999 and the accompanying patent application package. I am pleased to learn that you are continuing the pursuit of adding value to ATI. I have not had the opportunity to look into the enclosed material to date.

Your request for my signature on the patent applications is noted in your letter. I would be happy to sign these after I complete a review the applications. That in turn requires the expenditure of my time. I would expect compensation for that effort. As you are aware, we do not presently have an agreement covering this. I would, of course, be willing to discuss this with you.

Assignment of the patents, is yet another matter. Again, we have no agreement governing patent assignments. I am willing to discuss this with you. In the meantime, I am returning the two checks, each for \$10.00.

I look forward to your reply. Be assured that we can discuss these matters in the course of good business, hopefully coming to an agreement beneficial to ATI, its customers and shareholders.

With best regards,



Enclosures (2)

CC: Lelf Anderson

Exhibit C

Attorney Docket No.: ATI- 214

UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3611

Re: Application of: David S. BREED et al.
Serial No.: 09/474,147
Filed: December 29, 1999
For: SYSTEM FOR DETERMINING THE
OCCUPANCY STATE OF A SEAT IN A
VEHICLE

**RE-SUBMISSION OF PETITION UNDER 37 C.F.R. §1.47(a) FOR FILING PATENT
APPLICATION BY OTHER THAN ALL OF THE INVENTORS**

Assistant Commissioner for Patents
Washington, D.C. 20231

March 27, 2000

Attn: Special Programs Law Office

Sir:

Applicants, through their attorney, hereby submit a copy of a petition under 37 C.F.R. §1.47(a), the original of which was submitted upon filing the application on December 29, 1999.

It is pointed out that the filing receipt for the application does not include the omitted inventor, Mr. Andrew J. Varga.

An early and favorable decision on the petition is earnestly solicited.

Respectfully submitted,

By: 

Brian Roffe
Attorney for Applicants
Reg. No. 35,336

Brian Roffe, Esq.
366 Longacre Avenue
Woodmere, New York 11598-2417
Tel.: (516) 295-1394
Fax.: (516) 295-0318